



August 21, 2019

Via E-mail

Records Custodian
NC State Board of Elections
P.O. Box 27255
Raleigh, NC 27611-7255
elections.boe@ncsbe.gov

Re: Public Records Request

Dear Custodian of Records:

Under the North Carolina Public Records Law, G.S. §132-1, I am requesting an opportunity to inspect or obtain copies of public records as follows:

1. All records relating to or constituting communications with Election Systems & Software ("ES&S") or its employees, agents, or officers;
2. All communications with county Boards of Elections concerning communications by those entities with ES&S or its employees, agents, or officers;
3. All records relating to or constituting communications with Printelect or its employees, agents, or officers; and
4. All communications with county Boards of Elections concerning communications by those entities with Printelect or its employees, agents, or officers.

We seek records in all media and formats. This includes, but is not limited to: agendas, manifests, calendars, schedules, notes, and any prepared documentation for meetings, calls, teleconferences, or other discussions responsive to our request; voicemails; e-mails; e-mail attachments; talking points; faxes; training documents and guides; tables of contents and contents of binders; documents pertaining to instruction and coordination of couriers; and any other materials.

We are seeking records generated on or after January 1, 2017. Protect Democracy requests that responsive electronic records be provided electronically in their native file format, if possible. Alternatively, Protect Democracy requests that the records be provided electronically

in a text-searchable, static image format (PDF), in the best image quality in the agency's possession, and that the records be provided in separate, Bates-stamped files. *See* G.S. §132-6.2.

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$30. As you know, you may charge fees only for the actual cost of making the copies of the records. G.S. §132-6.2(b). If you seek to charge any additional special service charge, it must be reasonable based on the actual costs incurred by the agency. *Id.* However, we would also like to request a waiver of all fees because the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of the relationships between voting systems vendor ES&S and the Board, which determines the mechanisms through which North Carolinians will be able to access the franchise. Protect Democracy qualifies as a representative of the news media because it gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work. Protect Democracy will disseminate information and analysis about this request – and any information obtained in response – through its website, where it directs members of the public to particularly significant documents obtained as a result of those requests. This information is not being sought for commercial purposes.

The law requires that you respond to and fulfill this request “as promptly as possible.” G.S. §132-6.2(a). As you know, there is significant urgency to informing the public about ES&S contacts with the Board, as several decisions affecting the purchase of ES&S products in North Carolina are expected imminently. If you expect a significant delay in responding to and fulfilling this request, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Please contact me at rachel.goodman@protectdemocracy.org or 202.997.0599 if you require any additional information. We appreciate your cooperation and look forward to hearing from you very soon.

Sincerely,

A handwritten signature in black ink, appearing to read "Rachel Goodman", with a stylized flourish at the end.

Rachel E. Goodman
Counsel
Protect Democracy